

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

<p>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</p> <p>Plaintiff,</p> <p>vs.</p> <p>KMART CORPORATION,</p> <p>Defendant.</p>	<p>Civil Action No. 04-1315 (GMS)</p>
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**[PROPOSED] ORDER GRANTING KMART CORPORATION'S  
MOTION TO DISMISS THE COMPLAINT**

**WHEREAS**, upon the reading and filing of the Brief In Support Of Defendant's Motion To Dismiss The Complaint dated March 2, 2005, and due deliberation having been had thereon,

**IT IS HEREBY ORDERED** that the motion is **GRANTED**, dismissing all claims against Kmart Corporation with prejudice.

SO ORDERED this \_\_\_\_\_ day of March, 2005.

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The Honorable Gregory M. Sleet